

REPLY TO IDIL BORAN

Kai Nielsen

I Idil Boran has launched an incisive critique of my account of wide reflective equilibrium that aims at a place where I may be importantly vulnerable, though I should note in passing that it would not make trouble as well for the wide reflective equilibrium accounts of John Rawls, Norman Daniels, or Thomas Scanlon. It has to do with my rather singular—some may regard as my incoherent or at least deeply mistaken—desire to have my Rawls and Rorty too. As a heading to her article, Boran appropriately quotes me as saying, “Moral, social, and political philosophy should travel metaphysically and epistemologically light for both Rawlsian and Rortyan reasons which are different but do not conflict.”¹ She challenges the claim that they do not conflict and indeed goes on to add that they not only conflict but conflict in a revealing and important way. In the conference during which she read a first version of her paper, she remarked:

Wide reflective equilibrium is a nonfoundationalist method of justification in ethics. Two kinds of considerations motivate the development of such a method: a Rortyan denial of the existence of philosophical foundations for knowledge claims and social practices, and a Rawlsian attempt to avoid appeals to controversial religious, metaphysical or philosophical ideas in the justification of social institutions. In the opening quote [the above quote] Nielsen claims that these two motivations do not conflict. However, the Rortyan reason for not making foundationalist claims is that they are indefensible or incoherent, whereas the Rawlsian reason is that they will inevitably be a matter of deep, reasonable controversy for the design of social institutions. The Rawlsian seeks to avoid the whole debate between foundationalism and antifoundationalism, and so would not defend WRE on Rortyan grounds.

Boran is correct in claiming that the two types of justificatory appeal for wide reflective equilibrium are different and importantly so. She is also correct in asserting that if their aims were the same or importantly similar they would be conflicting. She also gives ample evidence that in previous writings I have not kept them properly apart. And she is right that Rawls would not and indeed could not avail himself of the Rortyan justification for appealing to wide reflective equilibrium without violating his own restrictions on justifying political liberalism of making no philosophically controversial claims or moves whatsoever. Rejecting foundationalism and taking an antifoundationalist or even a nonfoundationalist stance is one such controversial claim. It may be well justified but it is controversial. It is metaphysical in Rawls's sense.

I want to respond that there is a noneccentric way of reading Rawls and, even more importantly, a way of understanding the varied uses of wide reflective equilibrium. Wide reflective equilibrium is used for different political purposes in different contexts. Rawls's deployment of wide reflective equilibrium is, I shall argue, safe and at home just as he deploys it for his purposes. But his purposes are not the only purposes for which wide reflective equilibrium is deployed even when political liberalism is at issue. And for some other purposes wide reflective equilibrium does not operate with the same restrictions. I shall try to make these dark sayings clear and persuasive.

It is crucial to take to heart and to head as Burton Dreben has (as well as Norman Daniels and Thomas Scanlon) how Rawls, particularly from the Dewey lectures on and culminating in *Political Liberalism* and *The Law of Peoples*, had a very constrained but creatively determinate purpose.² Dreben points out that Rawls saw that the extant defenses of political liberalism (social democracy if you will)³ had internal conflicts: conflicts that its adherents had not been able either to resolve or plausibly dissolve. Rawls set out to present a way of understanding political liberalism that would enable us to see it as something free of those conflicts: free most centrally of conflicts between the demands of liberty and equality and of any entrenched conflict between the liberties of the ancients and the liberties of the moderns. He wants to show, moreover, how there was in political liberalism a conception of tolerance that made sense of political liberals' relations to nonliberal peoples and didn't come just to ethnocentrally trying to *impose* liberal views on them. His aim was, taking it as given that political liberalism was an attractive view to which he and many others are committed, to articulate and perspicuously display an account of political liberalism that could be seen (and plausibly) to be consistent and coherent. His use of wide reflective equilibrium for his defense of political liberalism and for a defense of liberal societies that also must be constitutional democracies, given the intractable debates about liberal democracies, was a very considerable achievement.⁴ Rawls sought to articulate a view that, taking into account the varied comprehensive doctrines of liberals in such democracies, would arrive at an overlapping consensus which could accommodate these comprehensive views *no matter how deep their conflicting metaphysical and religious or nonreligious*

views were as long as, in the very minimal sense Rawls had in mind, their various views were reasonable. If this obtains for them they will come to agree on a commonly acceptable family of conceptions, which includes justice as fairness, of a broadly egalitarian conception of political justice.

It is very important to see how minimal this sense of the reasonable is and how keeping it so is essential for gaining agreement concerning and reflective endorsement of the adequacy of his conception of political liberalism. But also keep firmly in mind a point Rawls makes himself, namely, that justification is always for a particular audience and not ever for humanity at large.⁵ The justification Rawls proffers is for liberals themselves and not for all and sundry. Liberals can come to see that political liberalism is not ad hoc and is not a conflicting jumble but something that hangs together in an attractive and coherent way. Leaving out "an attractive way," nonliberals may see that coherence too, but since some of their considered judgments are importantly different than Rawls's (or, for that matter, mine), Rawls's liberal wide reflective equilibrium will have little hold on them. They can see its coherence and still shrug their shoulders. Rawls does not try to argue that they are justified or that they should not so react or that anything like a justification here is impossible or unimportant. But to do that is not his task. What he was up to is what Drebren has described.

It is important to see that Rawls's justification was an *internal* one making minimal claims on those committed to political liberalism who accept the orientation and ethos of its background culture. Starting with their considered judgments, some of which may be distinctive to them as individuals, Rawls sought to show how their views could be put in wide reflective equilibrium. He did *not* seek to show (though he also did not deny or affirm that it could be done) that political liberalism could be justified to someone trying to advocate an aristocratic hierarchical society, a Leninist communism, a fascism, or a serf or even a slave society. Rawls was not concerned to present an argument that would require that everyone, if they would be rational, turn their heads around and become political liberals. Rawls did not think that anyone anywhere, no matter what his situation and acculturation and culture, would recognize or have grounds for accepting justice as fairness or any of the related family of politically liberal political conceptions of justice. He was not in the business of answering John Calvin or Martin Luther or Friedrich Nietzsche or Carl Schmitt or Vladimir Lenin or fundamentalists of any stripe. He did not say that it couldn't be done or that it could be done, but rather gave to understand that that was not his task. He rather sought to present political liberalism in a coherent way and to show how it could be convincingly shown to be coherent and plausible to political liberals aware of the difficulties of extant liberal accounts. To do this he crucially and distinctively deployed wide reflective equilibrium and in a manner that traveled philosophically light, taking no positions at all that were philosophically controversial.⁶ He didn't deny there might be a deep contested truth or soundness in political liberalism, but he

responded that the person committed to political liberalism did not need to invoke or even grasp this to achieve agreement with other political liberals who held very different metaphysical and epistemological views. For example, a secularist political liberal could say to a Thomist political liberal, "Perhaps you are right. There may be natural moral laws rooted in God's reason and they may be the *ultimate* ground for our shared considered judgments. But I, along with a not inconsiderable number of reasonable others, do not agree with you about that and I, as well as others—reasonable others—even after considerable argument and dialogue, am very likely not going to come to agree with you about these *philosophical* matters." But that notwithstanding, there is agreement between them about the considered judgments themselves (or at least over many of them). So wherever the philosophical quest may take us, for political purposes—for our gaining a political rationale for our political liberalism—we can bracket such controversial philosophical questions. We can, that is, for political purposes benignly neglect them, even if when we are in our philosopher's closet we seek to ascertain the truth concerning what we severally and differently and irreconcilably, given the burdens of judgment, disagree about concerning what we take to be the deep ultimate basis or lack thereof for our alliance to political liberalism. To expect agreement about these *philosophical* matters—in Rawls's terms, metaphysical matters—is utterly unrealistic.

It is important to recognize, as Rawls stresses himself, and Boran rightly reiterates, that this is not to be confused with a skepticism (say, a Mackie-type error theory) or a Rorty-like antifoundationalism or Rorty's and my anti-Philosophy philosophy or even (as is evident in his Dewey lectures) a Rawlsian metaethical Kantian constructivism.⁷ An appeal to anything like these things is simply *bracketed* for the purposes of such an *internal* political justification of political liberalism.

However, "*being bracketed from*" is one thing; "*being incompatible with*" is another. For his particular purposes—fundamentally political purposes—Rawls cannot appeal to what Boran calls epistemological/Rortyan reasons or any controversial epistemological reasons or anything else philosophically controversial. They are not part of the language game he is playing in defending political liberalism. But a political liberal who wants to answer Carl Schmitt or Thomas Aquinas or Mao or Lenin is playing another importantly different language game, also distinctively politically liberal, but for a different but non-conflicting purpose. To give an *internal* political justification of political liberalism—to show how political liberalism plausibly hangs together—is one thing; to give an *external* political justification of political liberalism—showing its superiority to hierarchical aristocratic systems or to fascism or Soviet Union-style "communism" in statist postcapitalism—is another. These tasks are not the same tasks but just different tasks with different *ends in view*. But this is not to show or to say or even to give any credibility to the claim that they stand in conflict.

II

With the above I am inching closer to showing how I can consistently and coherently have my Rawls and Rorty too. They are playing different language games for different purposes but not for all of that conflicting purposes. I did not say "incommensurable" (a conception I think makes no sense) but just "different." Or, to use different jargon, they, in asking about the justification (perhaps better "a justification") of political liberalism have what John Dewey calls different *ends in view*. Rawls wants an *internal* justification of political liberalism showing how it hangs together, how it is a consistent and coherent view. But he neither affirms nor denies that an *external* justification is possible. Rorty presumably wants an internal justification too, but he is concerned as well with an *external* justification (if such a thing is to be had) of political liberalism. He is concerned with how, if pushed, political liberalism could respond to a Schmitt or a Lenin. Those are not his actual examples but instead Nietzsche and Loyola, but the issue remains the same.⁸ Rorty gives his contextualist, historicist, finitist, social practice oriented, if you will, Wittgensteinian answer. We never can gain, he argues, some perspectiveless standpoint where we can, standing free from any perspective, neutrally assess such matters. It is unintelligible to try to set aside all our social practices and gain a perspectiveless view from nowhere where, utilizing no practices, we see that some practices are justified and others are not. For political liberalism, fascism, Stalinist "communism," Calvinism, Loyolaism, the various religious fundamentalisms, are just not on its agenda. And such deep illiberal views return the complement. For some, "liberal" is a derogatory term. A liberal can give a bucketful of reasons for rejecting these illiberal views. They are intolerant, fanatical, show a disrespect for persons, an indifference to liberty, cause extensive misery, have (in some instances) irrational views of what the world is like, and so on. But such remarks will not faze the illiberal opposition. These reasons are all, they affirm, question begging and often rest on unjustifiable persuasive definitions. They (depending on what kind of illiberal is involved) will say these secularly oriented political liberal responses ignore the utter transcendence of God or the unquestionable unchallengeable authority of his law, or the wisdom of the *führer* and his call for the racial solidarity and the purity of his new order, or the historical reality of the proletariat and the understanding by them that capitalism will break down of its own internal contradictions, something shown to the proletariat by the very working out of the dialectic, and so on and so on.

Political liberals will not say or think, as pushed-very-far illiberals (or at least extreme ones) will, "I have the right to persecute because I am right and you are wrong. I have the truth and you do not. My beliefs are true and yours, and importantly so, are not and I must do everything I can to see to it that my views prevail. Moreover, any uncorrupted person can see that or at least any right thinking person can see that." Such an extreme illiberal (and they are

plentiful) will add, "Given those corrupt views of yours or patently false views of yours, there are no good reasons for being tolerant of you except perhaps *tactical reasons* of expediency when the balance of forces outweigh me." Tolerance for illiberals has at best instrumental value *only* and need not be rooted in respect for persons. Various of them will say (again, depending on the particular liberal) we cannot by any means respect Tutsis, Muslims, Jews, Hindus, Christians, fascists, atheists, or even agnostics. Here the liberal may well feel with Wittgenstein that justification has come to an end and that his spade is turned. Our views of life and its worth, he may feel, are so different from those of that collection of illiberals that nothing further can be said. Other political liberals, Dewey, for example, or myself, will think that inquiry and justification never come to a dead end where nothing more can *possible* relevantly be said. Moreover, if it did, we could not know that is so, which is tantamount to saying it never comes to an end. Rorty will say, as I would as well, that whatever "answer" there is, if any, we can never escape fallibilism, historicism, and finitism. There are no giants or gods or an absolute perspective. Whatever is said at a given time may be upset at a later time. There is no unconditional validity, no Archimedean point, no ahistorical perch, no escaping perspectivism. Justification is time dependent though truth is not. But there is no attaining truth, let alone *The Truth*, whatever that means. We can only gain warranted assertability for a particular time and place. That is not truth but a proxy for truth: what we justifiably could at a given time and place *take* for truth. But we can sometimes get that and that is not nothing. And that is something that we can reasonably commit ourselves to trying to achieve.

Justifications of truth claims arising from our various inquiries may appear to be, and may perhaps actually be, more adequately justified than ones that came before them or some other purported justifications that are contemporaneous with them. But convergence here is neither inevitable nor assured beyond reasonable question. The most we can hope for is the best-justified belief we can for a time get. But that is always time and place dependent. We can never gain some history-transcendent viewpoint where we just have the truth or something that is warrantably assertable *period*.

Most political liberals take this to heart and draw the consequences in a way that illiberals generally do not. Usually political liberals living in conditions of modernity see that there is no escaping that and with it a historicism, finitism, and fallibilism—David Hume's mitigated skepticism, if you will. They frequently see, with that understanding, that though we can have reasons for what we do or think they can never be more than historicist/fallibilist reasons. This, of course, is a contestable and contested philosophical position that Rawls, given his own methodological commitments, must bracket in setting out his internal justification of political liberalism. But such a historicism shows its head in claims concerning how to argue about the relative merits of political liberalism vis-à-vis the range of illiberal positions. We cannot escape assuming this *or* some other contestable philosophical position in arguing

with this assortment of illiberals. Rawls resolutely refuses to take any such argumentative route. But to take such a controversial argumentative route as Rorty does or I do in trying to answer the question of how to answer Carl Schmitt does not conflict with Rawls's avoidance of metaphysics (for him any controversial philosophical view). It is just (to repeat) that they are different things—indeed different things that a political liberal may legitimately do—with different rationales for different purposes. Rawls tries to justify political liberalism internally by making it a consistently and perspicuously arranged position. I seek as well to defend it in competition with and from challenges from various illiberal views and particularly from the strongest ones that can be mustered.

It is important to recognize that in both Rawls-type arguments and in Rorty-type arguments for political liberalism wide reflective equilibrium is employed and its *core* is the same thing: working with deeply embedded beliefs and considered judgments at all levels, there is the attempt to forge a consistent and coherent set of beliefs into a coherent and perspicuously displayed whole which will yield *both* an explanation and a justification of the relevant phenomena. Yet some wide reflective equilibriums will be different in having different objectives. This even obtains concerning political liberalism. Some, as I have said, will seek an internal justification and some will seek an external one. The considered judgments to be forged into a coherent whole will in some significant parts be different depending on which type of justification is at issue. In Rawls-type justifications all the considered judgments must be philosophically (in his sense metaphysically) neutral at least within a liberal background culture and must be acceptable to all those who partake of the ethos of political liberalism. Remember, this type of justification is an *internal* one attempting to show how political liberalism can be shown to form a consistent and coherent whole. The Rorty-type justification (or for that matter mine) will also collect together all the same-type considered judgments, but will also have contested-type philosophical claims such as historicism to be fitted together—in wide reflective equilibrium—with the noncontested considered judgments. Those contested philosophical claims are those it is necessary to deploy to relevantly respond to various illiberal claims: so as not to beg the question with them or at least not trivially. Both types of justification, however, have wide reflective equilibrium arguments utilizing a *common method*.

It should also be noted that the various *illiberal* positions could themselves deploy a narrow reflective equilibrium in a consistent way. To move to wide reflective equilibrium is more problematic for illiberal peoples living under conditions of modernity for there will be a number of well-established theoretical empirical beliefs and other empirical claims that they would at best have a hard time consistently accommodating in their attempts at a wide reflective equilibrium. But if, ignoring such modernist and Enlightenment claims, they can resolutely stick to a *narrow* reflective equilibrium, they *perhaps* could manage it as well as a political liberal if they remain *restricted* to a *narrow*

reflective equilibrium. But with his wide reflective equilibrium the political liberal could appeal to some mundane beliefs the illiberal also accepts but which are not compatible with other beliefs or considered judgments of his while they are with the full range of the political liberals' considered judgments at all levels.

Wide reflective equilibrium could, and perhaps should, be used for the full range of belief systems or forms of life or conceptions of things from philosophy of mathematics to thinking about religion, morality, and politics, to society more generally, to aesthetics. The same core coherentist method would be applied in all domains. Sometimes what is appealed to are considered judgments, sometimes mathematical truisms, sometimes empirical data and well-established hypotheses, for some people in some situations to religious beliefs and doctrines and their associated considered judgments and sometimes to a mix of some of these things. But to return to Rawls's, Rorty's, and my dispute about political liberalism—there is a difference between some of the sort of reasons and beliefs that get appealed to, but no conflict between these different wide reflective equilibria given their different *ends in view* concerning the justification of political liberalism. Rawls has an internal justification of political liberalism and Rorty an external one but they both use wide reflective equilibrium for different but nonconflicting purposes. I can consistently and coherently have my Rorty and Rawls too.

NOTES

1. Kai Nielsen, "Anti-Philosophy Philosophy: Some Programmatic Remarks," *Diálogos* 64 (1994): 149–58.

2. Burton Dreben, "On Rawls and Political Liberalism," in *Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003); Norman Daniels, "Democratic Equality: Rawls's Complex Egalitarianism," in *Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003); and Thomas Scanlon, "Rawls on Justification," in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge, MA: Cambridge University Press, 2003).

3. John Rawls, *Collected Papers* (Cambridge, MA: Harvard University Press, 1999), p. 416.

4. Dreben, "Rawls and Political Liberalism," pp. 316–46.

5. John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Belknap Press of Harvard University Press, 1999), pp. 506–14.

6. Rawls, *Collected Papers*, pp. 389–414.

7. For an account of the *seemingly* contradictory phrase "Anti-Philosophy philosophy," which makes it noncontradictory and nonparadoxical, see my "Anti-Philosophy philosophy." This in essentials is the same view that Richard Rorty gives in his introduction to his *Consequences of Pragmatism* (Minneapolis: University of Minnesota Press, 1982), pp. xiv–xvii.

8. Richard Rorty, *Objectivity, Relativism and Truth* (Cambridge, MA: Cambridge University Press, 1991), pp. 175–96.